UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,810	10/30/2003	Sumit Roy	200313235-1	2478

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EXAMINER
TRAN, PHILIP B

ART UNIT	PAPER NUMBER
2455	

NOTIFICATION DATE	DELIVERY MODE
10/20/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/698,810	ROY ET AL.
	Examiner	**Art Unit**	
	Philip B. Tran	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 July 2008</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-41</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-2, 4-14, 16-30, 32-34, 36-39 and 41</u> is/are rejected.
7)☒ Claim(s) <u>3, 15, 31, 35 and 40</u> is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some *   c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Notice to Applicants

1.   In view of the Appeal Brief filed on 7/11/2008, PROSECUTION IS

HEREBY REOPENED. The new ground of rejection set forth below. To avoid

abandonment of the application, appellant must exercise one of the following two

options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a

reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31

followed by an appeal brief under 37 CFR 41.37. The previously paid notice of

appeal fee and appeal brief fee can be applied to the new appeal. If, however,

the appeal fees set forth in 37 CFR 41.20 have been increased since they were

previously paid, then appellant must pay the difference between the increased

fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening

prosecution by signing below:

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-2, 4-12, 33-34, 36-39 and 41 are rejected under 35 U.S.C. 102(b) as

being anticipated by Antony Pranata (Hereafter, Pranata), "Development of Network

Service Infrastructure For Transcoding Multimedia Streams", Master Thesis at

University of Stuttgart, Germany, May 2002.

Regarding claim 1, Pranata teaches a method of servicing content for delivery to

a client device said method comprising:

identifying a type of service to be performed on an item of content (5.2.3, client

request for a media stream from a server as in fig. 5-8 and section 6.4, a client

requesting for a stream from a content provider at the URL) (figs. 5-8 & 5-9 and

description on page 40, e.g. steps 4-5, find a corresponding transcoder for transcoding

the requested media stream before sending the stream to the client; the transcoder

identified by a service broker and a service lookup module), wherein said item of

content is identified during a session involving said client device (sections 6.4 & 6.5,

client-content source streaming session);

selecting a provider from a plurality of providers capable of performing said

service (section 4.3.4, fig. 5-4 select a most appropriate transcoder; and figs. 5-8 & 5-9

and description on page 40, e.g. steps 4-5, find a corresponding transcoder for

transcoding the requested media stream before sending the stream to the client); and

        providing information for transferring said session to said provider (fig. 5-9,

transcoder requests stream session to server and receives the stream), wherein said

provider performs said service on said item of content (fig. 5-8 and page 40 steps 4, 5,

10 and 11, task of transcoding the requested stream is assigned to the selected

transcoder, the transcoder then transcodes the stream received from the server then

transmits to the client).

        Regarding claim 2, Pranata further teaches the method of claim 1 wherein said

selecting comprises maintaining a record of providers (section 4.2.3, directory service

stores information about the transcoders , such as supported media formats, location,

network connection, etc and pages 40-41, service broker caches the list of transcoders)

to which sessions have been transferred, and selecting said provider according to said

record (section 4.3.4, fig. 5-4 select a most appropriate transcoder; and figs. 5-8 & 5-9

and description on page 40, e.g. steps 4-5, find a corresponding transcoder for

transcoding the requested media stream before sending the stream to the client).

        Regarding claim 4, Pranata further teaches the method of claim 2, further

comprising receiving an indication from said provider that said service is completed,

wherein said record is updated in response to said indication (figs. 5-8 & 5-9 and

description on page 40).

Regarding claim 5, Pranata further teaches the method of claim 1 wherein said provider is selected according to a round-robin scheme (page 32, selecting transcoder by round-robin method).

Regarding claim 6, Pranata further teaches the method of claim 1 wherein said provider is selected at random (page 32, selecting transcoder randomly).

Regarding claim 7, Pranata further teaches the method of claim 1 wherein said transferring comprises sending information for locating said provider to said client device, wherein said client device and said provider transparently establish communication (figs. 5-8 & 5-9 and description on page 40).

Regarding claim 8, Pranata further teaches the method of claim 1 further comprising identifying a source of said item of content, wherein data for said item of content are streamed from said source to said provider and wherein service result data are streamed from said provider to said client device (Abstract and figs. 4-4 & 5-8 & 5-9 and description on page 40).

Regarding claim 9, Pranata teaches a method of servicing content for streaming to a client device, said method comprising:

identifying a type of service to be performed on an item of content (5.2.3, client request for a media stream from a server as in fig. 5-8 and section 6.4, a client

requesting for a stream from a content provider at the URL) (figs. 5-8 & 5-9 and

description on page 40, e.g. steps 4-5, find a corresponding transcoder for transcoding

the requested media stream before sending the stream to the client; the transcoder

identified by a service broker and a service lookup module), wherein said item of

content is identified during a session involving said client device (sections 6.4 & 6.5,

client-content source streaming session);

selecting a provider from a plurality of providers capable of performing said

service (section 4.3.4, fig. 5-4 select a most appropriate transcoder; and figs. 5-8 & 5-9

and description on page 40, e.g. steps 4-5, find a corresponding transcoder for

transcoding the requested media stream before sending the stream to the client); and

providing information for transferring said session to said provider (fig. 5-9,

transcoder requests stream session to server and receives the stream), wherein said

provider performs said service on said item of content (fig. 5-8 and page 40 steps 4, 5,

10 and 11, task of transcoding the requested stream is assigned to the selected

transcoder, the transcoder then transcodes the stream received from the server then

transmits to the client), wherein data for said item of content are streamed from a

content source to said provider and wherein service result data are streamed from said

provider to said client device (Abstract and figs. 4-4 & 5-8 & 5-9 and description on page

40).

Claim 10 is rejected under the same rationale set forth above to claim 2.

Claim 11 is rejected under the same rationale set forth above to claim 5.

Claim 12 is rejected under the same rationale set forth above to claim 6.

Claim 33 is rejected under the same rationale set forth above to claim 1.

Claim 34 is rejected under the same rationale set forth above to claim 2.

Claim 36 is rejected under the same rationale set forth above to claim 4.

Claim 37 is rejected under the same rationale set forth above to claim 8.

Claim 38 is rejected under the same rationale set forth above to claim 9.

Claim 39 is rejected under the same rationale set forth above to claim 10.

Claim 41 is rejected under the same rationale set forth above to claim 12.

Claim Rejections - 35 USC § 103

4.		The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5.   Claims 13-14, 16-30 and 32 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Antony Pranata (Hereafter, Pranata), "Development of Network

Service Infrastructure For Transcoding Multimedia Streams", Master Thesis at

University of Stuttgart, Germany, May 2002 in view of Janik, U.S. Pat. Application Pub.

No. US 2002/0013852 A1.

Regarding claim 13, Pranata teaches a system for providing content to a client

device, said system comprising:

a service manager for receiving a request for an item of content from said client

device (5.2.3, client request for a media stream from a server as in fig. 5-8 and section

6.4, a client requesting for a stream from a content provider at the URL), said service

manager also for selecting a provider from a plurality of providers, each provider

capable of performing a service on said item of content (figs. 5-8 & 5-9 and description

on page 40, e.g. steps 4-5, find a corresponding transcoder for transcoding the

requested media stream before sending the stream to the client; the transcoder

identified by a service broker and a service lookup module),

wherein a session with said client device is redirected to said provider such that

said session continues via said provider (sections 6.4 & 6.5, client-content source

streaming session and fig. 5-9, transcoder requests stream session to server and

receives the stream), and

wherein said provider performs said service on said item of content and forwards

service result content to said client device (fig. 5-8 and page 40 steps 4, 5, 10 and 11,

task of transcoding the requested stream is assigned to the selected transcoder, the

transcoder then transcodes the stream received from the server then transmits to the

client).

Pranata does not explicitly teach a portal for receiving content request from client

device and interfacing with content provider. However, Janik, in the same field of

delivering Internet and digital content from the providers to clients endeavor, discloses a

web portal for accessing and selecting content is used in conjunction with graphic user

interfaces on a PC for setting up and controlling the content channels wherein Internet

and digital content is delivering from the server to clients [see Abstract and Figs. 1-2 &

23 and Paragraphs 0074-0109]. It would have been obvious to one of ordinary skill in

the art at the time of the invention was made to incorporate the teaching of Janik into

the teaching of Pranata in order to provide an efficient way of automatically delivering of

content of varying types, including rich content, and other services to the clients for a

low total cost while insuring a high quality experience for the user in terms of audio and

video quality and simple interaction [see Janik, Paragraphs 0025-0027].

Regarding claim 14, Pranata further teaches the system of claim 13 wherein said

service manager maintains a history of providers (section 4.2.3, directory service stores

information about the transcoders , such as supported media formats, location, network

connection, etc and pages 40-41, service broker caches the list of transcoders)

engaged in sessions, wherein said provider is selected according to said history

(section 4.3.4, fig. 5-4 select a most appropriate transcoder; and figs. 5-8 & 5-9 and

description on page 40, e.g. steps 4-5, find a corresponding transcoder for transcoding

the requested media stream before sending the stream to the client).

Regarding claim 16, Pranata further teaches the system of claim 13 wherein said

service manager receives an indication that said service has been performed, wherein

said history is updated in response (figs. 5-8 & 5-9 and description on page 40).

Regarding claim 17, Pranata further teaches the system of claim 13 wherein said

provider is selected according to a round-robin scheme (page 32, selecting transcoder

by round-robin method).

Regarding claim 18, Pranata further teaches the system of claim 13 wherein said

provider is selected at randomly (page 32, selecting transcoder randomly).

Regarding claim 19, Pranata does not explicitly teach the system of claim 13

wherein said service manager sends information identifying said provider to said client

device via said portal. However, Janik, in the same field of delivering Internet and digital

content from the providers to clients endeavor, discloses a web portal for accessing and

selecting content is used in conjunction with graphic user interfaces on a PC for setting

up and controlling the content channels wherein Internet and digital content is delivering

from the server to clients [see Abstract and Figs. 1-2 & 23 and Paragraphs 0082-0085].

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to incorporate the teaching of Janik into the teaching of Pranata for the same reason set forth above to claim 13.

Regarding claim 20, Pranata does not explicitly teach the system of claim 13 wherein said service manager sends information identifying said provider directly to said client device, bypassing said portal. However, Janik, in the same field of delivering Internet and digital content from the providers to clients endeavor, discloses a web portal for accessing and selecting content is used in conjunction with graphic user interfaces on a PC for setting up and controlling the content channels wherein Internet and digital content is delivering from the server to clients bypassing said portal [see Abstract and Figs. 1-2 & 23 and Paragraphs 0191-0192]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Janik into the teaching of Pranata for the same reason set forth above to claim 13.

Regarding claim 21, Pranata further teaches the system of claim 13 wherein a source of said item of content is identified according to information provided in said request from said client device (Abstract and figs. 4-4 & 5-8 & 5-9 and description on page 40).

Regarding claim 22, Pranata further teaches the system of claim 13 wherein a

source of said item of content is identified by one of said portal, said service manager

and said provider (Abstract and figs. 4-4 & 5-8 & 5-9 and description on page 40).

Regarding claim 23, Pranata further teaches the system of claim 13 wherein said

item of content is streamed from a content source to said provider (Abstract and figs. 4-

4 & 5-8 & 5-9 and description on page 40).

Regarding claim 24, Pranata further teaches the system of claim 13 wherein said

type of service is identified according to information provided in said request received

from said client device (figs. 5-8 & 5-9 and description on page 40, e.g. steps 4-5, find a

corresponding transcoder for transcoding the requested media stream before sending

the stream to the client; the transcoder identified by a service broker and a service

lookup module and Abstract and figs. 4-4 & 5-8 & 5-9 and description on page 40).

Regarding claim 25, Pranata further teaches the system of claim 13 wherein said

type of service is identified by one of said portal and said service manager (figs. 5-8 &

5-9 and description on page 40, e.g. steps 4-5, find a corresponding transcoder for

transcoding the requested media stream before sending the stream to the client; the

transcoder identified by a service broker and a service lookup module and Abstract and

figs. 4-4 & 5-8 & 5-9 and description on page 40).

Regarding claim 26, Pranata further teaches the system of claim 13 wherein said service is continuously available from said provider (page 46, the stream is being played continuously and page 80, the ability to access services using any devices, anywhere, continuously with mobility support and dynamic adaptation to resource variations).

Regarding claim 27, Pranata further teaches the system of claim 13 wherein said service is started up and executed in response to said client device establishing communication with said provider (figs. 5-8 & 5-9 and description on page 40).

Regarding claim 28, Pranata further teaches the system of claim 13 wherein said service manager directs said provider to start up said service upon selection of said provider (figs. 5-8 & 5-9 and description on page 40).

Claim 29 is rejected under the same rationale set forth above to claim 13.

Claim 30 is rejected under the same rationale set forth above to claim 14.

Claim 32 is rejected under the same rationale set forth above to claim 16.

Allowable Subject Matter

6. Claims 3, 15, 31, 35 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7.   Applicant's arguments with respect to claims 1-41 have been considered but are

moot in view of the new ground(s) of rejection.

Other References Cited

8.   The following references cited by the examiner but not relied upon are

considered pertinent to applicant's disclosure.

    A) Tso et al, U.S. Pat. No. 6,247,050.

9.   A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS

SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS

COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE

WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133).

EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR

1.136(A).

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Philip Tran whose telephone number is (571) 272-3991.

The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by

telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on

(571) 272-4006.

11.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

/Philip B Tran/
Primary Examiner, Art Unit 2455
Oct 10, 2008

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2155